passenger
TRANSPORTATION BOARD

ANNUAL REPORT 2011/12

passenger
TRANSPORTATION BOARD

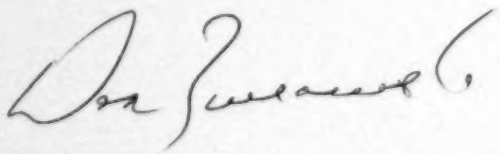
November 13, 2012

Honourable Mary Polak
Minister of Transportation & Infrastructure
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Minister Polak:

I am pleased to present the seventh Annual Report from the Passenger Transportation Board. The Report was prepared using the guidelines in the *Memorandum of Understanding* between the Passenger Transportation Board and the Ministry of Transportation and Infrastructure. The Report covers the period from April 1, 2011 to March 31, 2012.

Yours sincerely,



Don Zurowski
Chair
Passenger Transportation Board

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Message from the Chair

I am pleased to present the seventh Annual Report of the Passenger Transportation Board for the year ended March 31, 2012. I was first appointed to the Board on January 1, 2010 and began my term as the Board's second Chair on September 1, 2011. This report covers the first 6 months of my chairmanship.

The Board is an independent tribunal established under the *Passenger Transportation Act*. The Board has two functions which include making decisions on applications for taxis, limousines, small vans and inter-city buses; and hearing appeals on administrative penalties imposed by the Registrar of Passenger Transportation. The Board's primary work involves making decisions on applications.

We are a small, yet industrious team. We operated most of 2011/12 with 4 part-time members, including myself. The Board is supported by 4 full-time staff.

The Board had 6 meetings in 2011/12, with full member attendance. Meetings focus on policy, projects and consideration of emerging issues in the industry. Independent of Board meetings, Board panels render decisions on applications. Generally one file is assigned to one Board member. The Board is committed to continual improvement and strives for efficiency and administrative fairness in all our processes.

This report highlights our accomplishments, initiatives and performance. In 2011/12, the Board processed 148 applications. About 60% of these applications were decided based on information in the application file. A further 19% were decided after the Board sought more information from the applicant, submitter, registrar or other person.

We undertook a number of stakeholder engagement activities in 2011/12. This includes bi-annual meetings of our Passenger Directed Vehicle Advisory Committee and an Ad Hoc Advisory Group that provided input to our report on wheelchair accessible transportation.

Major Board accomplishments of 2011/12 include:

- Introduction of a pilot project to provide limousine operators in the Lower Mainland and the Capital Regional District with a more flexible rate band, thus allowing them to respond to market needs in a more timely way.
- Release of a *Report on Wheelchair Accessible Transportation by Taxis and Inter-City Buses in British Columbia*. This Report discusses the transportation needs of people with mobility challenges, the challenges of providing accessible transportation services and changes the Board will implement as well as suggestions for action that may be taken by taxi companies, organizations and governments. A key issue identified in the Report, which is outside the purview of the Board, is driver training or certification. The Report also encourages taxi companies and community leaders to work together when reviewing options for accessible transportation.
- Completion of the plain language project, a multi-year joint initiative of Board and Passenger Transportation Branch that resulted in more user friendly and understandable application materials and web pages as well as a revised Branch online application system.
- Updating the Board's Strategic Plan for 2011/12-2013/14. This plan includes a taxi service standards project. The goal is to establish standards for measuring and assessing the delivery of taxi services in British Columbia. Taxi standards relate to vehicle usage, service quality and data management.

I look forward to another productive and even busier year in 2012/13. We are receiving increasingly large and complex applications. For example, the Board has received two sets of applications, from 4 and 17 individual applicants respectively, to address peak period taxi service in the City of Vancouver.

On behalf of the Board members, I would like to acknowledge the Passenger Transportation Branch staff for their excellent cooperation. Although Board and Branch roles are different, cooperation is critical when fulfilling our mandates.

I will end by acknowledging the contributions of Board members and staff. Their enthusiasm, professionalism and dedication ensure that the goals and objectives of the Board are accomplished.

Overview

The Passenger Transportation Board is an independent tribunal. It is established under the *Passenger Transportation Act*. The Board has two functions:

(a) making decisions on applications for taxis, limousines, small vans and inter-city buses; and

(b) hearing appeals on administrative penalties imposed by the Registrar of Passenger Transportation

Of these two functions, most of the Board's work involves making decisions on applications.

As an administrative tribunal, the Board must ensure that its decisions are fair, consistent and transparent. To achieve this, the Board develops policies and procedures to guide its application and decision-making processes. The Board publishes its *Rules of Practice and Procedure* and *Operational Policies*. The Board posts notice of applications and decisions on its website. Board members regularly discuss policies and emerging issues in the commercial passenger transportation industry. The Board maintains a comprehensive website that provides a variety of information to applicants, licensees and members of the public.

The Board has a three year Strategic Plan to guide its policy development, operational projects and governance work.

All Board members and staff contribute to the plan and strive to accomplish the yearly performance measures. The plan will be updated annually to ensure that the Board's work is relevant and accountable.

In carrying out its responsibilities, the Board continually seeks innovative ways to increase efficiency, respond to change and streamline its processes.

The Board often seeks stakeholder perspectives on new initiatives and policies. The Board responds to municipal requests for information

and occasionally provides presentations to municipalities or community organizations.

The Board relies on the skills, expertise and quality of Board members and staff. Members are appointed by the Lieutenant Governor in Council, after a merit based process. Board staff are members of the public service of British Columbia.

Board members come from diverse backgrounds in business, commerce and government. Many are active in their communities and serve on various agencies or boards. All Board members and staff are committed to fostering a culture of professionalism, administrative fairness and good governance. Members and staff undergo performance evaluations annually and attend workshops, conferences or other professional development activities to increase their knowledge and skills.

Information on Board members, staff and budget is in Appendix 1.

BOARD MISSION

***The mission of** the Passenger Transportation Board is to make decisions pertaining to the commercial passenger transportation industry in a way that*

- *enables people throughout the province to access diverse, stable and competitive commercial passenger transportation, and*
- *promotes consistency and fairness in application decisions and enforcement measures.*

The Board will make its decisions in a timely, fair, consistent and open fashion, and will provide responsive and accurate information to applicants, submitters, agents, members of the public, government representatives and persons who appear before the Board.

BOARD VALUES

- ✓ ***Integrity** – ethical, professional and honest conduct by members and staff of the Board.*
- ✓ ***Fairness** – impartial decision making in accordance with the principles of administrative justice and the Board's legislative mandate; just treatment of applicants and submitters and others who participate in Board processes.*
- ✓ ***Respect** – treat all persons who contact the Board, as well as colleagues, with courtesy, fairness and dignity.*
- ✓ ***Accountability** – enhance or streamline Board processes and policies to foster the public's confidence in, and understanding of, Board decisions.*
- ✓ ***Responsiveness** – to ensure that Board processes and policies enhance the public's confidence and understanding of Board decisions.*

Board Goals and Objectives are set out in Appendix 2

Regulatory Framework

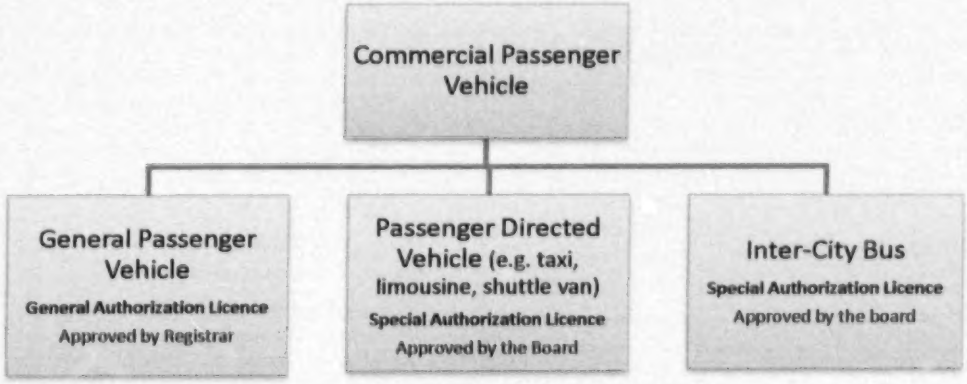
The Passenger Transportation Board, and administrative tribunal, is created under the *Passenger Transportation Act*.

Administration of the *Passenger Transportation Act* is a joint responsibility of the Passenger Transportation Board and the Registrar/Passenger Transportation Branch of the Ministry of Transportation and Infrastructure.

Vehicles & Licences Authorizations

The **Passenger Transportation Board** makes decisions on applications for licenses with Special Authorizations. The **Registrar of Passenger Transportation** makes decisions on applications for licences with a General Authorization.

The chart below lists the types of vehicles defined in the *Passenger Transportation Act* and the type of passenger transportation licence they require.



Application requirements for a general passenger vehicle licence are more streamlined than those for passenger directed vehicle or inter-city bus licences. A General Authorization licence may be issued when the Registrar is satisfied that vehicle and safety requirements are met. The Registrar may refuse to issue a licence if he or she finds that the applicant is not a fit and proper person to provide the service.

Special Authorization Licence Approvals

The Passenger Transportation Board may approve applications for a Special Authorization licence if it considers:

1. There is a public need for the service
2. The applicant is fit and proper and capable of providing the service
3. The application promotes sound economic conditions in the transportation business

Applicant fitness is the only factor the Board considers in transfer applications.

If an application is approved, the Board sets terms and conditions for a license.

Examples of terms and conditions include:

- Passenger pick-up and drop off areas for taxis and limousines
- Maximum fleet size for taxis and limousines
- Minimum route frequencies for inter-city buses

The Board also approves rates for passenger directed vehicles.

If the Board approves an application, the Registrar of Passenger Transportation issues a licence when safety requirements are met.

Enforcement and Compliance

The Registrar works with Commercial Vehicle and Safety Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers. Peace officers may also issue tickets for violations of the Act. The Registrar may impose administrative penalties on licensees.

The Board hears appeals of administrative penalties imposed by the Registrar.

Appendix 3 lists the responsibilities of the Board and the Registrar in more detail.

Appendix 4 defines the terms "inter-city bus" and "passenger directed vehicle".

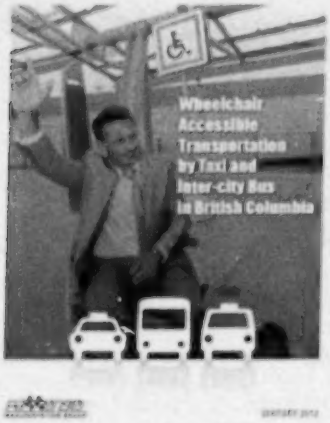
Highlights of Activities & Accomplishments in 2011/12

Projects Completed

1. **Report on *Wheelchair Accessible Transportation by Taxis and Inter-City Buses in British Columbia***

British Columbia's population is growing. It is also aging. These trends have implications for people who need wheelchair accessible transportation in cities and towns in the province. They have implications for companies that operate taxis, limousines and inter-city buses in the province. They have implications for the Board, which regulates these businesses. The Board wanted to have a more in-depth look at accessible transportation issues and to obtain input from people, companies and institutions that have knowledge of, and interest in, these issues.

In March, 2011 the Board published a discussion paper and invited people to comment.



The Board wrote the discussion paper to:

1. Improve its understanding of the transportation needs of people with mobility challenges

2. Improve its understanding of vehicles, services and strategies for meeting those needs

3. Assess marketplace opportunities, as well as the challenges, for enhancing or expanding wheelchair accessible services

The Board received 46 responses, from a broad range of stakeholders, to its discussion paper. Many were from associations or agencies representing seniors, persons with disabilities, and community organizations. As well, the Board received comments from taxi owners' associations and drivers.

The final report, published in January 2012, documents what the Board learned and what it sees as key issues. It focuses on:

- Wheelchair accessible vehicles; and
- Vehicles within the Board's regulatory scope (i.e. taxis and inter-city buses).

The report acknowledges that the term "accessibility" is broader than wheelchair accessible vehicles. This report addresses some issues that relate more generally to the transportation of people with disabilities. For example, it describes some innovations for assisting persons with a visual impairment.

This report documents what the Board learned since publishing the discussion paper, and what it sees as key issues. Some matters are within the Board's jurisdiction. Others are not and will require leadership from other sources, such as training institutions, communities or businesses.

> ***Future changes in training have implications for taxi companies, drivers, driver training programs and people with disabilities. The best training solutions will meet the needs of all these groups and the people they serve.***
>
> ***Ultimately, the success of future training programs will depend on the willingness of training institutions, interested groups and taxi companies to work together.***
>
> Final Report on Wheelchair Accessible Transportation, PT Board

The Report lists actions the Board is taking immediately. It also encourages companies and organizations to consider ways they can help improve the accessibility of taxis and inter-city buses in British Columbia.

The Board is working on many of the recommendations that pertain directly to the Board and will continue to facilitate discussions regarding issues outside its mandate, as appropriate.

This report does not apply to wheelchair accessible transportation on public transit buses.

Appendix 5 lists the recommendations and suggestions for action listed in the Report.

Appendix 6 lists the number of wheelchair accessible taxis in selected BC cities and towns as of March, 2012.

2. Plain Language Revision to Board Application Materials & Website

In March 2012, the Board introduced major changes to its application materials, website and forms. The changes make it easier for applicants to get information they need for the type of application they are making. The changes relate to applications for taxis, limousines and inter-city buses.

The project, a culmination of over a year's work, was a joint initiative of the Board and the Registrar/Passenger Transportation Branch. It also resulted in changes to Branch websites, forms and the online application process page.

The Board's new "Apply" web pages use symbols to identify classes of vehicles and separate pages to identify requirements for a particular type of application.

Appendix 7 provides an example of the new "apply" webpage and subsequent pages.

3. 2011/12 – 2013/14 Strategic Plan

The Board introduced its new three year Strategic Plan. As 2011/12 was a transition year for the Board, with an outgoing and incoming Chair, the Board decided it was timely to update its current plan. In November, Don Zurowski, the new Board Chair, forwarded the Strategic Plan: 2011/12-2013/14 to the Honourable Blair Lekstrom, Minister of Transportation and Infrastructure.

The Board considers its Strategic Plan to be a "living document". The Board tracks its progress.

The Board set an ambitious, yet realistic agenda for the next three years. It will implement recommendations arising out of the report on wheelchair accessible transportation by taxi and inter-city bus. The Board will work with the taxi industry to develop service standards. It will explore how it can use technology to connect better with clients. The Board will continue to monitor and evaluate Board performance and seek ways to streamline processes and operations.

4. Rates and Rules for Passenger Directed Vehicles

A. Maximum and Minimum Limousine Rates

In early 2011, the Board initiated a "Minimum/Maximum Rates Pilot Project". This project was for limousines companies operating in the Lower Mainland, Sea to Sky corridor (Pemberton to Hope) and Capital Regional District (CRD).

The project responded to requests from limousine operators for rate flexibility. The Board held industry discussion sessions with representatives from limousine companies in Greater Victoria and the Lower Mainland in March 2011. The Board learned valuable information from the discussion sessions and the written comments received.

Limousine operators generally supported:

- ✓ *Minimum/maximum rates*
- ✓ *5 rate tiers*
- ✓ *Standard rules for limousines*

In May, 2011, the Board published its Rates and Rules for Limousines in the Lower Mainland and CRD. This rule, effective July 1, 2011, gives limousine operators in the Lower Mainland and the CRD freedom to set and adjust their rates within minimum and maximum levels set by the Board. A standard set of rules govern when and how limousine rates are charged. The Board plans to evaluate this pilot project in 2013.

The project enables the Board to introduce regulatory streamlining measures.

B. Passenger Directed Vehicle Fuel Surcharge

During the rates pilot project consultations, many limousine operators asked the Board to approve fuel surcharges when fuel prices rise – even though minimum and maximum rates give operators rate flexibility. It was noted that:

- Hourly rates can be agreed to well in advance of when service is provided.
- In such cases, spikes in fuel prices can significantly reduce profit margins.
- A Board-approved fuel surcharge is more acceptable to clients than a company-initiated surcharge.

The industry sought a surcharge that is both optional and responsive to

fuel price shifts. This is the surcharge the Board approved.

In May 2011, the Board introduced a fuel surcharge mechanism for all passenger directed vehicle operators, except taxis, in British Columbia. This surcharge is optional and flexible. It changes as fuel prices change. Operators may impose a percentage surcharge up to the maximum amount allowed. The Board posts the amount of the available surcharge each Wednesday on its surcharges web page. The surcharge takes effect the following Sunday.

The surcharge may only be applied to hourly, point-to-point, zone or individual rates and fares (before taxes and other fees are added). Licensees who are charging a fuel surcharge must advise clients in writing at the time clients book the licensee's service that a fuel surcharge may be applied to the rates.

Note: Fuel surcharges for taxis are generally more complex and costly. Most taxis have metered rates. To change these rates, meters must be changed. Every meter change costs companies in terms of money and lost work. For this reason, the Board reviews taxi rates annually and only approves surcharges in extraordinary situations.

C. Standard Rules for Taxis

The Board approves taxi rates and rules. Rates are what companies may charge passengers for a trip. Rules govern how rates are applied. For example, rules cover such things as when the meter may be turned on, allowable extra charges (tolls) and dismissal charges.

In 2011, the Board embarked on a project to standardize rules for taxis. Standard rules have the following benefits:

- ✓ Clarifying for taxi companies, drivers and passengers how taxi rates are applied
- ✓ Improving consistency in the charging of rates
- ✓ Making rules more current and in line with Board policies

Prior to implementing the Standard Board Rules for Charging Taxicab Rates in May 1, 2011, the Board sought comments from the taxi industry.

D. Taxi Cost Index

The Board uses the Taxi Cost Index (TCI) as an objective measurement for identifying rate increases for taxis. TCI data is obtained from BC Stats, the Insurance Corporation of BC (ICBC), and weekly fuel price reports for five BC cities. The Board reviews taxi cost data every spring for the prior calendar year.

In 2011/12, TCI taxi operators were able to request a net rate increase of up to 2.38%.

E. Policies and Rules

The Board has *Rules of Practice and Procedure*. These rules give applicants, licensees, submitters and others information on Board procedures relating to applications, oral hearings, reconsiderations and appeals.

The Board publishes operational policies. These give guidance to applicants, submitters and others on how the Board approaches certain situations. These policies cover such matters as written submissions, urgent public need requests and accessible taxis.

In 2010/11 the Board made minor changes to its *Rules*, introduced a new policy regarding temporary surcharges for cameras and modified its policy on gift vouchers.

Stakeholder Engagement

1. Passenger Directed Vehicle Advisory Committee

The Passenger Directed Vehicle Advisory Committee, an initiative of the Board, promotes stakeholder engagement primarily on taxi matters. The committee met in April, 2011 and October, 2011. It is made up of people from the taxi industry, public transit, municipalities, persons with disabilities, the Vancouver International Airport Authority, the Passenger Transportation Branch and Passenger Transportation Board. In 2011/12, the Greater Victoria Taxi Association, the Taxi Drivers Association of Southern B.C. and the BC Coalition of Persons with Disabilities became members of the Advisory Committee.

The Board and Branch representatives shared information on current activities and projects and responded to committee questions or

comments. Industry and other committee representatives raised matters of concern to them, such as training for drivers of accessible taxi vans, the need to broaden the scope of "accessibility" to accommodate persons with sensory impairments, hours of service for taxis (rural vs. urban issues), centralized inspection facilities and flip seats in vehicles.

2. Ad Hoc Advisory Group on Accessible Transportation

The Board formed an Ad Hoc Advisory Group to help ensure that the Board's discussion paper on accessible transportation accurately reflected the realities facing people who use wheelchair accessible vehicles and companies that provide accessible transportation services. The Group met in June 2011 to provide advice to the Board on proposals received as a result of publication of the Discussion Paper. Some follow-up discussion ensued with individual members of the Ad Hoc Advisory Group.

3. Conferences and Workshops

The Chair of the Board attended a meeting of the "Circle of Chairs". This group is comprised of chairs of administrative tribunals in British Columbia.

In October 2011, the Director and Secretary to the Board attended the annual conference of the British Columbia Council of Administrative Tribunals (BCCAT).

In November 2011, the Appeals and Operations Coordinator and Administrative and Research Coordinator attended a course offered by BCCAT for front end staff who work in administrative agencies.

Communications

1. Industry Advisories

In 2011/12, the Board issued 12 Industry Advisories or Updates on a variety of topics, including rates, policy initiatives, operational matters and the appointment of a Board Chair.

2. Weekly Bulletin

The *Weekly Bulletin* contains summaries of applications, hearing notices and final decisions of the Board. It was published every week

except November 9, 2011 and December 28, 2011.

Looking Ahead to 2012/13

1. Taxi Standards Project

The Board is embarking on a Taxi Standards Project. This long term project seeks to establish standards for measuring and assessing the delivery of taxi services in British Columbia. Taxi standards relate to vehicle usage, service quality and data management.

In general, the panel was not impressed with the methods that either company used to determine the number of accessible vehicles required. There was very little analysis of company records, statistics or other indicia of need. Both companies reported that certain information was not available due to its data retention practices. If a company applies to the Board for more vehicles, then it is incumbent on the company to keep relevant data to present to the Board.

Panel comments in a 2009 Board decision

The Board will consult with industry leaders to identify changes that can produce meaningful improvements within the existing regulatory system. The Board will start this project by initiating research into taxi standards and performance measures used in other jurisdictions. Results will be shared with industry leaders during the project.

The Board's impetus for initiating the project is its need for better information when making decisions on applications for additional taxis. The Board is especially interested in establishing measurable standards that give applicants clarity about what they need to put in their application.

2. TCI Methodology Review Project.

As noted earlier, the Board uses a Taxi Cost Index (TCI) annually to assess whether the Board should approve rate increases for taxi operators. In March 2012, the Board initiated the TCI Methodology Review Project, which will evaluate the methodology of the TCI against the goals of effectiveness, efficiency and fairness.

The Board hired an independent consultant to undertake this review.

The review will incorporate the perspectives of stakeholders who are affected by rate decisions based on the TCI. It will take note of significant industry trends, such as changes in vehicle and fuel use, and examine the types, sources and uses of data for TCI calculations. It will also include comparative studies of

taxi rates inside and outside British Columbia, and of TCI programs in other jurisdictions. The project will look at the effectiveness of temporary fuel surcharges in helping the industry cope with significant spikes in fuel costs between TCI rate increases.

3. Operations

Operational requirements will continue to provide the focus for many Board activities. These include such matters as: processing applications; making decisions; responding to inquiries; publishing the weekly Bulletin and managing the budget and resources.

As stated the Board's priority work is adjudicating licensing applications and, from time to time, extra resources are required to complete this aspect of work in an effective and timely manner. In 2012/13, the Board will be considering two sets of sizable applications from multiple applicants. Both relate to providing service in the City of Vancouver at peak periods on weekends and other high volume days. Depending upon the resources required to adjudicate these applications, the Board may need to adjust its initiatives and projects throughout the year.

Application & Licensing Matters

General Information

The *Passenger Transportation Act* sets out two types of licences: Special Authorization (SA) licences; and General Authorization (GA) licences.

Operators must have an SA licence to use passenger directed vehicles or inter-city buses. The Passenger Transportation Board makes decisions on applications that relate to SA licences. These include:

- applications for new, transfers or amended licences for all SA vehicles, and
- additional vehicle applications as well as applications for changes to rates and rules for passenger directed vehicles.

The steps in processing applications are listed in Appendix 8.

The Board may approve applications for temporary operating permits (TOPs). These allow taxis and limousines and other passenger directed vehicles operators to increase their fleet size on a short-term basis. Also, the Registrar may ask the Board to make a determination on whether a particular application is for a special authorization rather than a general authorization.

Board decisions are published in the Board's ***Weekly Bulletin*** and posted at the Board's website http://www.ptboard.bc.ca)

Two areas where the Board may be involved with a licensee after a decision has been made are: fleet size reviews and fitness reviews. The Board may decrease the fleet size of a licensee if it has consistently failed to operate its maximum number of vehicles. This only applies to operators of passenger directed vehicles.

The Board may review a licensee at any time to determine if it is fit and proper and capable of providing its transportation service.

Application Matters

In 2011/12, the Board received 148 applications. In this reporting period, 129 applications were decided. This is an increase over 2010/11. (The applications not decided were applications to address peak period taxi service in the City of Vancouver as discussed on page 17.)

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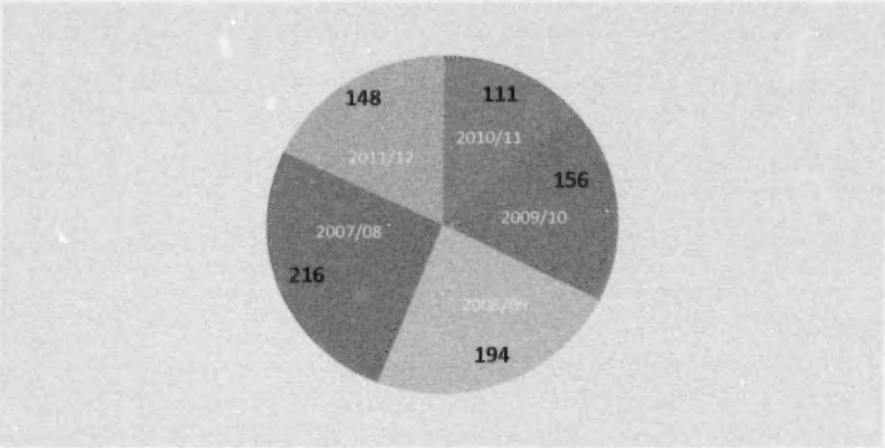
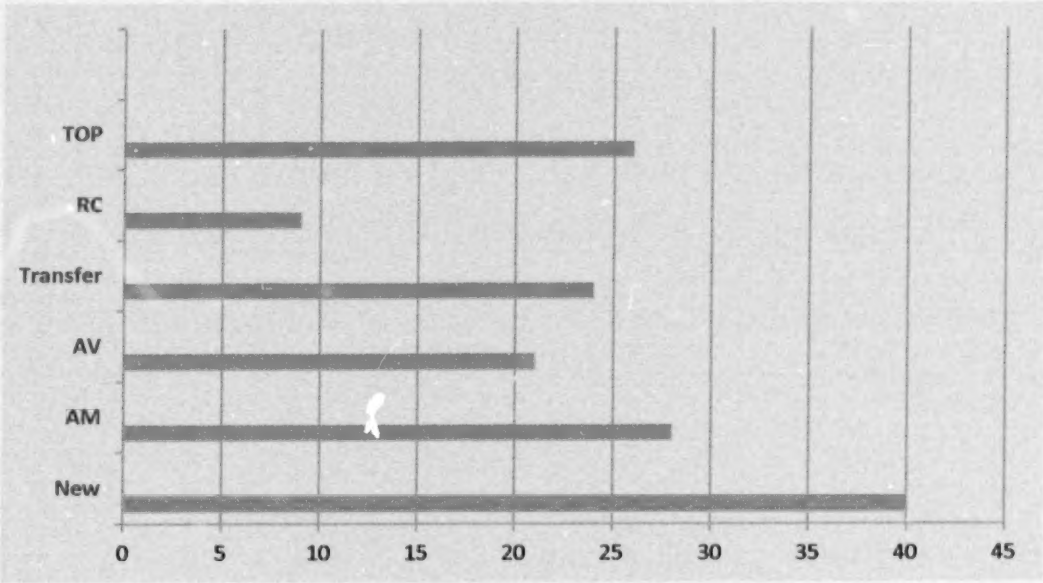
Total Applications Received for 5 Fiscal Years



In the charts below, application types are denoted as follows:

New	Application for a new SA licence
AM	Application to amend an existing licence
AV	Application to add more vehicles to a fleet of passenger directed vehicles
Transfer	Application to transfer a licence
RC	Application to change rates for a passenger directed vehicle service
TOP	Application for Temporary Operating Permits
SA Rq	Application sent by the Registrar for the Board to determine if an SA licence is required for the service the applicant proposes

Number of Applications by Type 2011-12



Two applications related to inter-city buses, of which 1 was a licence transfer and 1 was a licence amendment application.

One hundred twenty (120) applications were for passenger directed vehicles. Of these applications, 40 were for new licences, 23 were for licence transfers, 9 were for change of rates, 27 were for licence amendments and 21 were for additional vehicles.

The Board received 26 temporary operating permit requests.

Decided Applications by Regional District 2010/11 and 2011/12[1]

Regional District	# of Decided Apps 2010/11	# of Decided Apps 2011/12	Regional District	# of Decided Apps 2010/11	# of Decided Apps 2011/12
Alberni-Clayoquot	2	2	Kitimat-Stikine	1	0
Bulkley-Nechako	6	3	Kootenay-Boundary	1	2
Capital Regional District	7	17	Mount Waddington	3	1
Cariboo Regional District	0	3	Nanaimo	1	7
Central Coast	0	0	North Okanagan	2	1
Central Kootenay	1	1	Northern Rockies	1	0
Central Okanagan	7	3	Okanagan-Similkameen	8	9
Columbia Shuswap	0	4	Peace River	4	4
Comox Valley	1	2	Powell River	0	0
Cowichan Valley	1	1	Skeena-Queen Charlotte	4	2
East Kootenay	0	0	Squamish-Lillooet	4	1
Fraser Valley	11	3	Strathcona	5	1
Fraser-Fort George	2	6	Sunshine Coast	0	1
Metro Vancouver	31	21	Thompson-Nicola	2	8
			Multi Regional or Extra Provincial	4	0
			Islands Trust	2	0

[1] Excludes temporary operating permits and applications where the Registrar asked the Board to determine whether the application was for a licence with a general or special authorization.

Post Decision Matters

	Sub total	Totals	Ave. Days to Decision
Judicial Reviews Concluded		0	
Licence Decisions Amended		3	
Reconsiderations Proceeded & Decided	3		17
• Confirmed	2		
• Rescinded	0		
• Varied	1		
Reconsiderations Not Proceeded	5		18
• Grounds not established	5		
• Withdrawn	0		

There were no judicial reviews of the Board's decisions in 2011/12. Two (2) decisions were amended to correct clerical or technical errors.

Eight reconsideration requests were received in 2011/12. The Board may reconsider, vary or rescind a decision if the Board is satisfied that (a) information has become available that was not available at the time the decision was made, or (b) there has been an error in procedure.

Three decisions were reconsidered by the Board, of which two decisions were confirmed and one was varied. Five of these requests did not proceed as the Board was not satisfied that there were grounds for reconsideration were established.

Performance Measures 2011/12

The Board has two sets of performance targets: "low" and "high". The low target represents the most efficient processing times, with no delays by applicants, submitters or the Board. The high target factors in delays that may occur in the application process.

The Board reviews performance results at each Board meeting. The Board strives to improve its performance and timelines.

Reporting Constraints – Board database reports are based on the date an application is received. If a report is compiled for a particular time period, the reports will provide performance results only for applications that were received during this period and decided or closed at the time the database report is compiled or accessed. There were 21 outstanding application decisions for 2011/12 at the time of writing this report. (As noted earlier, these applications relate to peak period taxi service in the City of Vancouver.)

Reporting Timelines – These are the total number of days that an application was in process with the Board. This includes times when the application is inactive pending publication or receipt of further information. Most applications have a 15 day publication period. If submissions are received applicants have 10 days to reply. With public hearings, the reported timelines include adjournments and continuations.

Performance Targets

Process and Track	Low Target	High Target
Application Files	**# days**	**# days**
File Review	89 or less	90 - 156
Board Investigation	113 or less	114 - 192
Registrar	117 or less	118 - 205
Registrar Investigation and Hearing	197 or less	198 - 331
Hearing	178 or less	179 - 293
Urgent Public Need (UPN)	37 or less	38 - 75
Temporary Operating Permits (TOPs)	15 or less	16 - 30

Application Processing Times in Relation to Performance Targets[1]

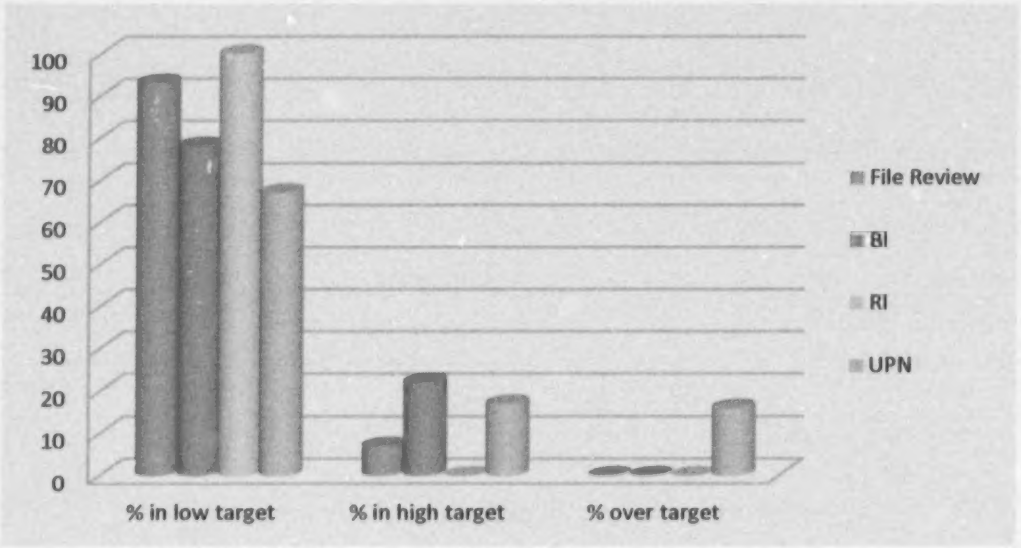
	# Board Decisions	Average # of days to a decision[2]	% within low target	% within high target	% over high target
Application Files Received in 10/11					
File Review	71	54	**93**	**7**	**0**
Board Investigation (BI)	23	84	**78**	**22**	**0**
Board Investigation & Hearing	0	0	**0**	**0**	**0**
Registrar Investigation (RI)	1	36	**100**	**0**	**0**
Hearing	0	0	**0**	**0**	**0**
Urgent Public Need UPN[3]	6	60	**67**	**17**	**16**[4]
Temporary Operating Permits (TOP)	26	19	**58**	**15**	**27**

[1] These results were based on applications received between April 1, 2010 and March 31, 2011 and closed by August 16, 2012 when the data was compiled.
[2] These timelines are from when an application is received at the Board office until a decision letter is sent to an applicant, and may include times when response times are not in the Board's control.
[3] A "UPN" is an application that the Board determines should be processed on the basis of "urgent public need". These applications are not published and submissions are not solicited. Most "UPN's" are processed on the basis of a file review.
[4] One (1) UPN application required additional investigation by the Board. Therefore, processing targets were exceeded.

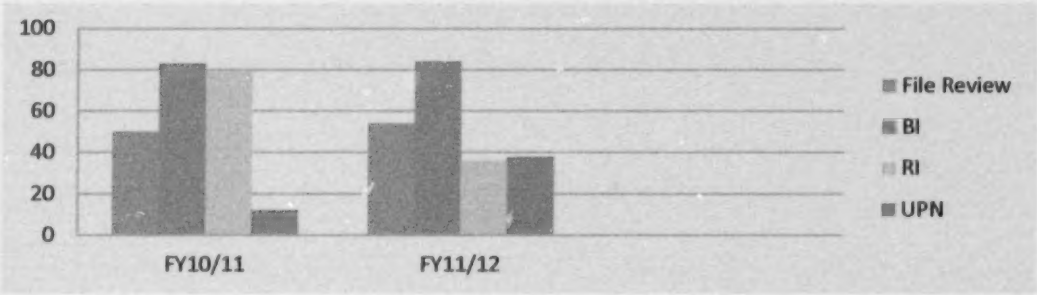
The Board seeks to process at least 75 % of all applications within the low target timeframe. The Board achieved this in all but 2 categories.

In 2011/12, the Board published and accepted submissions on three unique Temporary Operating Permits applications. This process increased the number of days it took to process and decide the applications.

Board Performance in Relation to Targets 2011/12



Comparison of Days to Complete an Application Based on Process Type: 2010/11 and 2011/12



The 2010/11 performance results were based on applications received between April 1, 2010 and March 31, 2011 and closed by August 8, 2011.

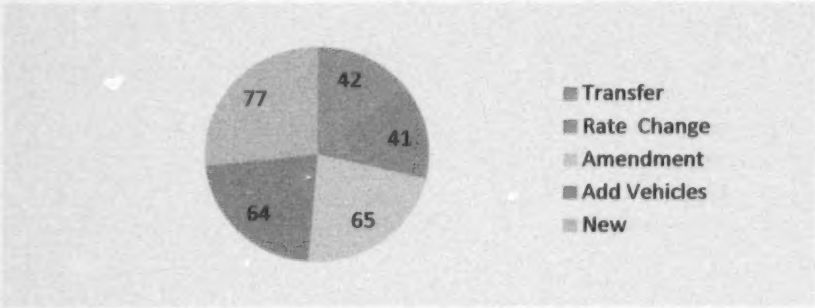
The 2011/12 performance results were based on applications received between April 1, 2011 and March 31, 2012 and closed by August 16, 2012. Note: 21 applications were not decided in this time period.

when the data was compiled. (Note: All applications received in 2010/11 had been decided by August 8, 2011).

Application Processing Times at Various Stages of the Application Process 2011/12

	Total number of files	Average # of days from receipt of application to appointment of Panel[1]	Average # of days from panel appointment to draft decision	Average # of days from draft decision to final decision sent to applicant	Total average days to process application
Application Files Decided in 2011/12	127	31	22	6	59
File Review	70	32	15	6	53
Board Investigation	23	35	43	6	84
Registrar Investigation	1	1	33	2	36
Urgent Public Need	6	17	17	4	38

Average Days to Process an Application by Type of Application 2011/12



[1] This includes the submission and reply period which is 7, 10 or 15 days depending on the type of application.

Board Decisions by Type of Application and Outcome

	Received	Approved in Whole	Approved in Part	Refused	SA Required	SA Not Required	Decision SubTotal	Return To Registrar	Abandoned	Dismissed Summarily	Withdrawn	Outcome SubTotal	To be determined
ICB Applications													
New	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer	1	1	0	0	0	0	1	0	0	0	0	0	0
Change of Rates	0	0	0	0	0	0	0	0	0	0	0	0	0
Amendment	1	0	0	1	0	0	1	0	0	0	0	0	0
Additional Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal:	2	1	0	1	0	0	2	0	0	0	0	0	0
PDV Applications													
New	40	9	6	17	0	0	32	0	0	4	4	8	0
Transfer	23	23	0	0	0	0	23	0	0	0	0	0	0
Change of Rates	9	5	3	0	0	0	8	0	0	0	1	1	0
Amendment	27	6	3	1	0	0	10	0	0	0	0	0	17
Additional Vehicles	21	6	5	5	0	0	16	0	1	0	0	1	4
Subtotal:	120	49	17	23	0	0	89	0	1	4	5	10	21
ICB/PDV Applications													
New	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	0	0	0	0	0	0	0	0	0	0
Change of Rates	0	0	0	0	0	0	0	0	0	0	0	0	0
Amendment	0	0	0	0	0	0	0	0	0	0	0	0	0
Additional Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal:	0	0	0	0	0	0	0	0	0	0	0	0	0
TOP	26	24	1	1	0	0	26	0	0	0	0	0	0
SA Determination	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Board Files:	148	74	18	25	0	0	117	0	1	4	5	10	21

APPEALS

The Board hears appeals from licensees who have received an administrative penalty from the Registrar of Passenger Transportation.

Two appeals were filed in 2011/12. The Board confirmed the Registrar's decision in one appeal and the other was withdrawn.

Appendix 1: Board Members, Staff & Budget

Board Members

Board members make decisions on applications and appeals.

The Board is appointed by Cabinet. The *Passenger Transportation Act* says that there must be at least 3 Board members. One member must be designated as Chair. Appointment processes and terms are governed by the *Administrative Tribunals Act*.

On June 27, 2011, Dennis Day retired from the Board after serving as Chair since the Board was established in 2004. On July 8, 2011, Nathan Bauder was appointed as Chair for a 3 year term. Mr. Bauder resigned for personal reasons in August, 2011. On September 1, 2011, Don Zurowski, a Board member, was appointed Chair for a three year term. On March 29, 2012, Spencer Mikituk was appointed to the Board for two year term.

The Board had 6 meetings in 2011/12. Five were full Board meetings and one was a teleconference. All Board members attended the meetings. Four meetings were one day and one meeting was 2 days.

In 2011/12, four Board members participated in the Board's performance evaluation process.

2011/12 Board Members

Member	Appointed By	Initial Appointment Effective	Term Expiry Date
Don Zurowski *Chair*	Cabinet	January 1, 2010	September 30, 2014
Bill Bell	Cabinet	February 1, 2008	December 31, 2013
Brenda Brown	Cabinet	December 31, 2008	December 31, 2013
Tracy Gray	Cabinet	April 1, 2010	April 1, 2012
Spencer Mikituk	Cabinet	March 29, 2012	March 29, 2014
Dennis Day *Chair*	Cabinet	June 28, 2004	June 27, 2011
Nathan Bauder *Chair*	Cabinet	July 8, 2011*	

* **Resigned for personal reasons in August 2011.**

Board Staff

The Board is supported by a staff of 4 full-time employees who work out of the Board office in Victoria. Staff handle the administrative functions of the Board, undertake policy initiatives and respond to inquiries from applicants and the public.

Jan Broocke	*Director and Secretary*
Michael McGee	*Manager, Policy and Communications*
David Watling	*Appeals and Operations Coordinator*
Kathy Mitten	*Administrative and Research Coordinator*

Board Contact Information

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Website	www.ptboard.bc.ca		

Passenger Transportation Board Budget

2011/12		
Budget Category	**Allocation**	**Expenditure**
Salaries	251,000	252,025
Benefits	61,000	61,767
Board Per Diems and Travel	140,000	130,963
Staff Travel	11,000	8,133
Professional Services - Operational	1,000	0
Information Systems - Operating	10,000	1,976
Office and Business Expenses	19,000	10,826
Utilities, Materials and Supplies	1,000	0
Recoveries – Within Government	(1000)	0
Recoveries – External, Misc.	(1000)	0
Total	**492,000**	**465,690**

Appendix 2: Board Goals and Objectives

Goal	Objective
A. *Policies contribute to a commercial transportation system that serves the public, is run by capable operators and maintains the overall economic health of the industry*	Board policies facilitate: • a dynamic, innovative and healthy industry • licensing of responsible, competent transportation operators • diversity in passenger transportation service
B. *Board processes are clear and relevant*	• Processes are efficient, effective and administratively fair
C. *Board facilitates communications between the Board and stakeholders*	• Board communications are interactive and meaningful
D. *Board promotes organizational excellence and accountability*	• Board fosters a culture of professionalism, administrative fairness and consistency in decision making. • Board members and staff have the skills and expertise to fulfill their governance responsibilities. • Board evaluates its performance against objectives. • Board is accountable to government and the public.

Appendix 3: Responsibilities of the Registrar of Passenger Transportation and the Passenger Transportation Board

The *Registrar of Passenger Transportation* leads the *Passenger Transportation Branch*. The Branch:

- Accepts all licence applications
- Makes decisions on applications for General Authorization licences
- Issues all passenger transportation licences
- works with Commercial Vehicle and Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers
- Manages an administrative penalty scheme for licensees who are not in compliance with their terms and conditions of licence

The *Passenger Transportation Board*:

- Decides:
  - applications for new taxis, limousines and inter-city bus licences
  - licence transfer and amendment applications for taxis, limousines and inter-city buses
  - additional vehicle and rate change applications for taxis and limousines
- Publishes
  - Applications and Decisions
  - Rules and Policies
  - Industry Advisories and Updates
  - Application Handbook and other reference materials
- Hears appeals of administrative penalties imposed by the Registrar

Appendix 4: Definitions of Vehicles Requiring a Special Authorization

Inter-City Buses (ICBs)

- Operate on set time schedules between municipalities (other than those in the GVRD or CRD)
- For individual fares
- Over a regular route
- Between fixed terminating points, picking up and dropping off passengers at intermediate points, as necessary

A common example is a private bus service operated on a schedule between 2 or more cities. Inter-city buses are not public transit buses.

Passenger Directed Vehicles (PDVs)

- Carry a driver and not more than 11 passengers
- Operate to and from locations determined by the passengers

Common examples of PDVs include taxis, limousines and shuttle vans.

Appendix 5: Report on Wheelchair Accessible Transportation by Taxi and Bus: Actions and Suggestions for Action

The following lists the actions that the Passenger Transportation Board is committed to taking. These are actions that fit the Board's mandate and resources.

Board Action 1

The Board will, in consultation with the taxi industry:

a. research the future use of taxi service standards

b. review its accessible taxi policy in light of this initiative

Board Action 2

The Board will ask applicants to describe the following:

c. The wheelchair accessible vehicles that an applicant provides (or proposes)

d. The accessibility training that drivers receive

e. The procedures in place to serve the transportation needs of people with disabilities

f. How wheelchair accessible taxis are distributed within the applicant's operating area and dispatch zones

g. The hours when transit and HandyDART services are available in the community, and the hours when accessible taxis are (or will be) operated

Board Action 3

The Board will consult with the Ministry of Transportation and Infrastructure about expanding the Taxi Bill of Rights to communities outside Metro Vancouver.

Board Action 4

The Board will review its process for authorizing flip seats.

Board Action 5

The Board will consult with inter-city bus licensees to review the accessibility of intra-provincial services in British Columbia. The Board will publish its findings.

The following lists suggestions for actions noted in the Report. These actions may be initiated by taxi companies, training institutions, community organizations local government or others.

Suggested Action A

The Board encourages training institutions, interested groups and taxi companies to develop training plans and programs that can be delivered in many parts of the province.

Suggested Action B

The Board encourages taxi companies and community leaders, when reviewing local wheelchair accessible taxi service to look at options for working together and addressing accessible transportation needs in the community. Further, they are encouraged to consider the following issues and opportunities:

a. The higher business costs of operating wheelchair accessible taxis (higher capital and operating costs, and higher break-even point)

b. Financial interests of taxi drivers

c. Options that may exist to subsidize or reduce some operating costs

d. Opportunities that may exist to increase accessible taxi ridership and revenues through a partnership with a HandyDART or para transit provider

Suggested Action C

The Board encourages taxi companies to adopt and promote a door-to-door standard for customer service.

Suggested Action D

The Board encourages the taxi industry and stakeholders to work together to address parking-related challenges of serving people with disabilities in urban, downtown areas.

Suggested Action E

The Board encourages taxi companies to publish the maximum size and weight of wheelchairs and scooters they can carry in their vehicles. It encourages companies to post this information online and share it with medical supply retailers that sell mobility aids.

Appendix 6: Wheelchair Accessible Taxis in Selected BC Cities and Towns

(Population Data: Statistics Canada 2011. Board Vehicle Data: as of March 31, 2012)

Location	Total Taxi Fleet Size*	Wheelchair Accessible Taxis (% of Total)	Population (% aged 65+)
Parksville	8	2 (25%)	11,977 (37%)
City of Vancouver	589	113 (19.2%)	603,502 (13.6%)
Greater Vancouver (excluding City of Vancouver)	894	126 (14.1%)	1,709,826 (13.5%)
Chilliwack	31	4 (12.9%)	77,936 (16.1%)
Abbotsford	71	8 (11.3%)	133,497 (14.8%)
Whistler	54	6 (11.1%)	9,824 (5%)
Penticton	29	4 (13.8%)	32,877 (25.8%)
Greater Victoria (CRD)	276	20 (7.3%)	360,900 (18.4%)
Nanaimo	65	4 (6.2%)	83,810 (19.7%)
Kelowna	87	5 (5.8%)	117,312 (19.1%)
Kamloops	74	4 (5.4%)	85,678 (15.6%)
Prince George	91	2 (2.2%)	71,974 (11.6%)
Prince Rupert	50	0 (0%)	12,508 (11.9%)
Cranbrook	30	0 (0%)	19,319 (17.9%)
Fort St. John	24	0 (0%)	18,609 (6.5%)
Terrace	19	0 (0%)	11,486 (13.1%)
Nelson	9	0 (0%)	10,230 (15.4%)
Haida Gwaii	7	0 (0%)	4,370 (13.1%)
TOTALS	**2,408**	**298**	

*Peak period taxis are not included

Appendix 7: Example of the New "Apply" Web Pages

Apply

Click the type of special authorization (SA) application you want to make. The link will take you to the application guide and forms that you need.

A passenger transportation licence is needed to operate taxis in British Columbia. This web page has forms and information for different types of taxi applications.

Application Guide	**Step A** Guide 1: I want to start a new taxi service
Branch Forms	**Step B** Online Application or Paper Application **Note:** You can only use the online application if you do **not** have a Passenger Transportation Licence.
Board Forms	**Step C** a. Required: PDV Forms Package b. Optional: Board Optional Forms Package
Send	**Step D** Send your application to the Branch in Burnaby

"New" Taxi Web Page

Appendix 8: Steps in Processing Special Authorization Licence Applications

1. *Applications are submitted* to the Passenger Transportation Branch which forwards completed applications to the Board office.
2. *Board staff draft an application summary*, send it to the applicant for verification and signature, and publish it in the PT Board Bulletin (on the Board web site)
3. *Public Submission/Reply Period** – From the date an application summary is published, people have up to 15 days to make written submissions on the application to the Board and pay a $50 submission fee within the same time period. Submissions are forwarded to applicants, who have 10 days to reply. (An exception to this step is if an application is processed on an "urgent public need" basis.)
4. *Board staff completes an overview* of the application file for transmittal to the Board.
5. *Board Chair appoints a Panel* who will consider and decide the application.
6. *Application Considerations and Decisions* – the Panel reviews the file and determines which process should be followed to make a decision. These processes include:
    a) Review of file materials only – decision is made on application file materials, including information from the applicant and any submitters
    b) Review of file materials and Board Investigation into the application – the Board follows up with questions to the applicant, submitters or other parties
    c) Review of file materials and Registrar Investigation – the Board asks the Registrar to undertake an investigation of the application and provide a report. The applicant is given an opportunity to respond to this report and then it is sent to the panel.
    d) Oral Hearing – the Board sets the application down for a hearing. A hearing notice is published and persons have 21 days to give notice that they wish to make submissions at the hearing and to pay the $50 fee.
7. *Decision sent to the applicant and Registrar* – the Board's decision on an application is sent to both the applicant and Registrar. Decisions following a public hearing are also sent to submitters.
8. *Decision published in the Bulletin* – all final decisions on applications are published in the Board's Bulletin.
9. *Licence Issuance by Registrar* - if the Board approves the application and the licensee meets specified safety standards, the Registrar issues the licence.

* Some types of applications of an administrative nature have a shorter submission period.

Note: Rate change applications follow similar steps except the submission period is 10 days and these applications cannot be processed on the basis of urgent public need.

Steps 2-8 are the responsibility of the Passenger Transportation Board